

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Modesta R. Sabeniano,

Plaintiff,

—v—

Citibank, N.A., New York, et al.,

Defendants.

16-cv-1723 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

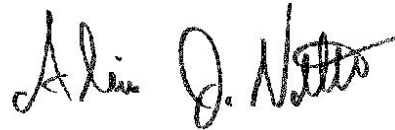
On September 14, 2020, the *pro se* Plaintiff's son in this matter attempted to file a Notice of Appeal on behalf of the *pro se* Plaintiff. *See* Dkt. No. 82. On September 16, 2020, the Notice of Appeal was re-docketed as a Motion for Permission to Appeal due to the fact that the document was signed by the Plaintiff's son and not by the *pro se* Plaintiff herself. Dkt. No. 83.

“[A]n individual may not be represented in court by another person who is not an attorney.” *Powerserve International, Inc. v. Lavi*, 239 F.3d 508, 514 (2d Cir. 2001) (citing 28 U.S.C. § 1654, which provides that an individual may conduct his “own case personally or by counsel”). *See also Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998) (“[B]ecause *pro se* means to appear for one's self, a person may not appear on another person's behalf in the other's cause.”). Neither the District Court nor the Court of Appeals may accept a Notice of Appeal signed by the Plaintiff's son on her behalf. As a result, to the extent that Dkt. No. 83 is properly construed as a motion to have the letter signed by the Plaintiff's son deemed an effective Notice of Appeal signed by the Plaintiff herself, that motion is DENIED.

Under Federal Rule of Civil Procedure 4(a)(1)(A), a notice of appeal must be filed with the district clerk within 30 days after entry of the order appealed from. Fed. R. Civ. P. 4(a)(1)(A). Federal Rule of Civil Procedure 4(a)(5), however, allows the district court to extend a party's time to file a notice of appeal. Accordingly, the Plaintiff may re-submit a corrected Notice of Appeal, signed by the Plaintiff herself, for the Court's consideration. This resolves Dkt. No. 83.

SO ORDERED.

Dated: September 17, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written over a horizontal line.

ALISON J. NATHAN
United States District Judge